

Application No.: 10/602,724

**AMENDMENT TO THE CLAIMS**

1. (Original) A semiconductor device comprising:

a gate insulating film formed on a substrate; and

a gate electrode formed on the gate insulating film;

the gate insulating film comprising:

a high dielectric constant film containing a metal, oxygen and silicon; and

a lower barrier film formed below the high dielectric constant film and containing the metal, oxygen, silicon and nitrogen.

2. (Original) The semiconductor device according to claim 1, wherein

the gate insulating film comprises an upper barrier film formed above the high dielectric constant film, and

the upper barrier film contains the metal, oxygen and nitrogen.

3. (Original) The semiconductor device according to claim 1, wherein

$$0.23 \leq y/(x+y) \leq 0.90$$

when a composition of the high dielectric constant film is expressed as  $M_xSi_yO$ , where M, O and Si represent the metal, oxygen and silicon, respectively, and  $x > 0$  and  $y > 0$ .

4. (Original) The semiconductor device according to claim 1, wherein

$$0.23 \leq y/(x+y) \leq 0.30$$

when a composition of the high dielectric constant film is expressed as  $M_xSi_yO$ , where M, O and Si represent the metal, oxygen and silicon, respectively, and  $x > 0$  and  $y > 0$ .

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5. (Original) The semiconductor device according to claim 1, wherein

$$x/(x+y) \geq 0.10$$

when the metal is hafnium or zirconium, and

a composition of the lower barrier film is expressed as  $M_xSi_yON$ , where M, O, Si and N represent the metal, oxygen, silicon and nitrogen, respectively, and  $x > 0$  and  $y > 0$ .

6. (Original) The semiconductor device according to claim 1, wherein the gate electrode is a metal gate electrode.

7-31. (Canceled)

32. (New) The semiconductor device according to claim 1, wherein the lower barrier film is a silicon oxynitride film including the metal.

33. (New) The semiconductor device according to claim 1, wherein the high dielectric constant film contains nitrogen.

34. (New) The semiconductor device according to claim 1, wherein the high dielectric constant film is formed from a metal oxide ( $M_xSi_yO_2$  (M is the metal, and  $x > y > 0$ )) containing silicon.

35. (New) The semiconductor device according to claim 1, wherein the lower barrier film is amorphous.